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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,493	07/08/2003	Nancy Rapp	118443-1005	8973
32914	7590	03/31/2005	EXAMINER	
GARDERE WYNNE SEWELL LLP INTELLECTUAL PROPERTY SECTION 3000 THANKSGIVING TOWER 1601 ELM ST DALLAS, TX 75201-4761			LARSON, LOWELL A	
			ART UNIT	PAPER NUMBER
			3725	
DATE MAILED: 03/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/615,493

Applicant(s)

RAPP ET AL.

Examiner

Lowell A Larson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 55 is/are pending in the application.
- 4a) Of the above claim(s) 1 to 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37 to 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Claims 37 to 55 in the reply filed on February 14, 2005 is acknowledged. The traversal is on the ground(s) that it has not been shown that the channel letter coil of Claims 19 to 36 can be made by processes other than that of Claims 37 to 55. This is not found persuasive because the process of Claims 37 to 55 can be followed to fabricate coated coil stock for use in the manufacture of articles other than the channel letters of Claims 19 to 36; for example, in the production of prepainted vehicle parts in the automotive industry. See MPEP 806.05(f). It should be noted that the intended use of the coated stock material is of no significance in the coating process since such use is not related to the coating process in a manipulative sense.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1 to 36 are withdrawn from further consideration as being drawn to non-elected inventions in accordance with 37 CFR 1.142(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 37 to 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benefiel.

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Benefiel discloses forming coils of prepainted aluminum stock material which may be shaped with the use of metal working dies into articles of a desired configuration. A thermo-setting primer coating may be applied to both sides of the sheet (see column 4, lines 33 to 35) after which a pigmented base coating and clear topcoat are applied to one surface. See column 4, lines 39 to 41 and 53 to 55. The materials of the coatings may be polyesters and fluoropolymers, as required by Claims 41, 44 and 53 (see column 6, lines 60 to 63), and may be applied mechanically by rollers or by air atomized spray in the thicknesses recited in these claims.

Benefiel advises that the process results in stock material having an excellent painted appearance. See column 8, lines 20 and 21. The recitation in these claims of coating with a reflective material does not distinguish over the coating having an excellent painted appearance, as disclosed by Benefiel. The coilable coated aluminum strip produced in Benefiel is thus seen to be the same as that produced in the invention. To shape such strip stock into any desired article having a painted appearance is merely an obvious exercise of designer's choice merely depending on characteristics desired in such article, and is of no significance in the process of providing the coating on the strip since the intended use of the material does not affect the coating process in a manipulative sense.

Conclusion

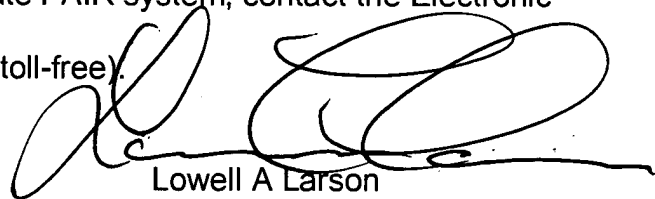
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maze et al., Shafik et al. and Lipari et al. further show the state of the art.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lowell A Larson whose telephone number is 571 272-4519. The examiner can normally be reached from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at 571 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'LAL', with a horizontal line extending from the end of the signature.

Lowell A Larson
Primary Examiner
Art Unit 3725

LAL
March 29, 2005